

Message Text

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ACTION L-03

INFO OCT-01 EUR-25 ISO-00 AID-20 CEQ-02 CIAE-00 COA-02

COME-00 DODE-00 EB-11 EPA-04 INR-10 IO-14 NSF-04

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FM AMEMBASSY OTTAWA

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E.O. 11652: N/A

TAGS: SENV, CA

SUBJECT: OIL SPILL CONTINGENCY PLAN.

REF : CROOK-NEF TELCON

1. WESTERN HEMISPHERE AFFAIRS DIRGEN J.S. NUTT PROVIDED
CHARGE ON FEB 13 WITH FOLLOWING MEMORANDUM ON PROPOSED US
CHANGES TO DRAFT OIL SPILL CONTINGENCY PLAN:

ON JANUARY 3, 1973 THE CANADIAN EMBASSY IN WASHINGTON
RECEIVED A LETTER FROM AN OFFICER OF THE STATE DEPARTMENT'S
LEGAL OFFICE PROPOSING A DRAFT LANGUAGE FOR THE CANADA-UNITED
STATES OIL SPILLS CONTINGENCY PLAN. THE PROPOSED LANGUAGE DEALT
WITH TWO PROBLEMS: THE AREAS OF RESPONSIBILITY UNDER THE
PLAN AND FUNDING.

AS REGARDS THE AREAS OF RESPONSIBILITY, LANGUAGE WAS
PROPOSED FOR SECTIONS A101.1, A101.2, A101.5, P101.1 AND P101.5.
THE LANGUAGE PROPOSED FOR THESE SECTIONS IS GENERALLY ACCEPTABLE,
WITH THE EXCEPTION OF THE PHRASE "THE AREA OF THE HIGH SEAS"
WHICH APPEARS A NUMBER OF TIMES IN THE PROPOSED TEXTS. IN
THE VIEW OF THE CANADIAN AUTHORITIES THIS PHRASE SHOULD BE
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AVOIDED IN LIGHT OF THE CURRENT INTERNATIONAL DISCUSSIONS

CONCERNING THE VARIOUS REGIMES WHICH MIGHT APPLY TO AREAS BEYOND THE CURRENTLY ACCEPTED TERRITORIAL SEA AND CONTIGUOUS ZONE WATERS UP TO 12 MILES. SO AS TO AVOID ATTEMPTING TO DEFINE SOMETHING WHICH IS CURRENTLY UNDER DISCUSSION INTERNATIONALLY, WE WOULD PROPOSE THAT THE PHRASE "AREA OF THE HIGH SEAS" BE REPLACED, IN EACH CASE WHERE IT APPEARS, BY THE WORD "WATERS" SO THAT THE REFERENCE IN EACH CASE WOULD BE TO "THE WATERS BEYOND 12 MILES...".

AS REGARDS FUNDING, IT WILL BE RECALLED THAT AT THE MEETING OF OFFICIALS OF OUR TWO COUNTRIES ON NOVEMBER 27, THE CANADIAN DELEGATION STRESSED THAT WHATEVER WAS AGREED CONCERNING FUNDING IN THE JOINT CONTINGENCY PLAN, SHOULD NOT IN ANY WAY ATTEMPT TO NULLIFY THE ARRANGEMENTS FORMALLY ACCEPTED BY THE TWO COUNTRIES UNDER THE GREAT LAKES WATER QUALITY AGREEMENT. THE CANADIAN AUTHORITIES ARE THEREFORE PREPARED TO ACCEPT THE REWORDING PROPOSED FOR SECTION 202.1 WITH THE EXCEPTION OF THE BRACKET WHICH IS INCLUDED TWICE, WHICH READS "(INCLUDING GREAT LAKES WATERS)". WE CONTINUE TO CONSIDER, AS EMPHASIZED ON NOVEMBER 27, THAT IT IS NECESSARY TO ADD THE FOLLOWING WORDS TO THE END OF THE FIRST PARAGRAPH OF 202.1: "IN THE CASE OF THE GREAT LAKES, THE PROVISIONS OF ANNEX 8 OF THE GREAT LAKES WATER QUALITY AGREEMENT WILL APPLY".

THE CANADIAN SIDE HOPES THAT BY MUTUAL ACCEPTANCE OF THE CHANGES SUGGESTED ABOVE, CONTROVERSIAL MATTERS CAN BE AVOIDED AND THE TWO SIDES CAN COME TO A CONCLUSION OF NEGOTIATIONS OF THE PLAN AND AGREEMENT AND MOVE SWIFTLY TO ITS PROMULGATION. END OF TEXT

2. TEXT OF NOTES TO BE EXCHANGED UNDER REVIEW BY EXTAFF LEGAL DIVISION BUT NO MAJOR PROBLEMS SEEN WITH SUBSTANCE.
JOHNSON

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Message Attributes

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Disposition Date: 28 MAY 2004
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